

STATE BAR COURT OF CALIFORNIA  
HEARING DEPARTMENT – LOS ANGELES

In the Matter of	)	Case Nos.: <b>01-O-04455 (01-O-04860;</b>
	)	<b>02-O-10083; 02-O-12600;</b>
	)	<b>03-O-02646; 04-O-10034;</b>
<b>WAYNE KENNETH TEEBKEN,</b>	)	<b>04-O-10734); 03-O-02971;</b>
	)	<b>04-O-15662; 05-O-02653;</b>
	)	<b>05-O-05103 (06-O-10521);</b>
<b>Member No. 93013,</b>	)	<b>07-O-12574 (Cons.)</b>
	)	
	)	<b>DECISION AND ORDER SEALING</b>
A Member of the State Bar.	)	<b>CERTAIN DOCUMENTS</b>
	)	
	)	

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On June 23, 2004, respondent Wayne K. Teebken (respondent) contacted the State Bar of California's Lawyer Assistance Program (LAP) to assist him with his substance abuse issue.

The State Bar of California, Office of the Chief Trial Counsel (State Bar), filed a Notice of Disciplinary Charges (NDC) against respondent on June 30, 2004, in case nos. 01-O-04455 (01-O-04860; 02-O-10083; 02-O-12600; 03-O-02646; 04-O-10034; 04-O-10734). The matter was assigned to the Honorable JoAnn M. Remke.

Judge Remke issued an order filed on August 17, 2004, referring case no. 01-O-04455, etc. to the State Bar Court's Alternative Discipline Program (ADP)<sup>1</sup> before the undersigned

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<sup>1</sup> The ADP was previously known as the (Pilot) Program for Respondent's with Substance Abuse or Mental Health Issues. The court will refer to the program in this decision by its current name.

judge. Thereafter, case nos. 01-O-04455, etc. was reassigned to the undersigned judge for all further proceedings.

On November 12, 2004, respondent submitted to the court a declaration regarding the nexus between his substance abuse issue and his misconduct in case nos. 01-O-04455, etc.

Respondent executed a Participation Plan with the LAP on November 23, 2004.<sup>2</sup>

The parties entered into a Stipulation Re Facts and Conclusions of Law (Stipulation) on April 1, 2005 in case nos. 01-O-04455 (01-O-04860; 02-O-10083; 02-O-12600; 03-O-02646; 04-O-10034; 04-O-10734); 04-O-15662 which was received by the court on that same day.

On July 8, 2005, the court executed the Decision Re Alternative Recommendations for Degree of Discipline (Decision Re Alternative Recommendations) in case nos. 01-O-04455 (01-O-04860; 02-O-10083; 02-O-12600; 03-O-02646; 04-O-10034; 04-O-10734); 04-O-15662 which set forth the discipline which would be recommended to the Supreme Court if respondent successfully completed the ADP and the discipline which would be recommended if respondent was terminated from, or failed to successfully complete, the ADP. Also on July 8, 2005, respondent executed the Contract and Waiver for Participation in the State Bar Court's ADP (Contract) in case nos. 01-O-04455 (01-O-04860; 02-O-10083; 02-O-12600; 03-O-02646; 04-O-10034; 04-O-10734); 04-O-15662, and respondent was accepted into the ADP.<sup>3</sup> The parties' Stipulation,<sup>4</sup> the Decision Re Alternative Recommendations, and the Contract were lodged on July 8, 2005.

The State Bar filed a NDC against respondent on September 21, 2005, in case no. 03-O-02971. The court filed an order on October 31, 2005, referring case no. 03-O-02971 to the ADP

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<sup>2</sup> In January 2008, respondent's Participation Agreement/Plan was amended.

<sup>3</sup> The court filed an order on July 14, 2005, finding that respondent is accepted into the ADP, and the commencement date of his participation in the ADP is July 8, 2005.

<sup>4</sup> The court executed an order approving the parties' Stipulation on July 8, 2005.

upon the filing of respondent's response to the NDC. Respondent filed a response on November 17, 2005.

On May 12, 2006, the State Bar filed a First Amended NDC in case no. 03-O-02971, and on November 3, 2006, the State Bar filed a NDC against respondent in case no. 05-O-05103 (06-O-10521). Case no. 05-O-05103, etc. was accepted into the evaluation process of the ADP on November 15, 2006.

On December 12, 2007, the State Bar filed a NDC against respondent in case no. 05-O-02653.

In June 2008, the parties entered into an addendum to their Stipulation which pertained to case nos. 03-O-02971; 05-O-05103 (06-O-10521). The addendum was lodged with the court on June 30, 2008. The court also lodged on that date an Agreement and Order Amending Contract<sup>5</sup> and an order amending the Decision Re Alternative Recommendations previously lodged on July 8, 2005.

On July 10, 2008, the court filed an order consolidating case nos. 03-O-02971 and 05-O-05103 (06-O-10521) with case nos. 01-O-04455 (01-O-04860; 02-O-10083; 02-O-12600; 03-O-02646; 04-O-10034; 04-O-10734); 04-O-15662. The court also issued an order that same date placing case nos. 03-O-02971 and 05-O-05103, etc. in program condition effective June 30, 2008, and extending respondent's participation in the ADP until further order of the court.

In the fall of 2008, the parties entered into a Stipulation Re Facts and Conclusions of Law in case no. 05-O-02653 which was received by the court on November 3, 2008.

On January 15, 2009, the court executed an Order Further Amending Decision Re Alternative Recommendations for Degree of Discipline which, along with the Stipulation in case

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<sup>5</sup> The Agreement was executed by respondent on June 30, 2008.

no. 05-O-02653, was lodged on January 20, 2009.<sup>6</sup> Also, on January 20, 2009, the court filed an order consolidating case no. 05-O-02653 with case nos. 01-O-04455 (01-O-04860; 02-O-10083; 02-O-12600; 03-O-02646; 04-O-10034; 04-O-10734); 03-O-02971; 04-O-15662; 05-O-05103 (06-O-10521) (Cons.), and case no. 05-O-02653 was placed in program condition.

The court lodged on February 10, 2009, a Further Agreement and Order Further Amending Contract.<sup>7</sup>

The State Bar filed a Notice of Disciplinary Charges against respondent in case no. 07-O-12574 on March 24, 2009.

On May 4, 2009, the LAP closed respondent's case, as the LAP Evaluation Committee found respondent had successfully completed the LAP.

In May 2009, the parties entered into a Stipulation Re Facts and Conclusions of Law in case no. 07-O-12574 which was received by the court on May 12, 2009.

On December 15, 2009, the Stipulation Re Facts and Conclusions of Law in case no. 07-O-12574 was filed.<sup>8</sup> On that same date, the court lodged a Further Agreement and Order Further Amending Contract<sup>9</sup> and an Order Further Amending Decision Re Alternative Recommendations.

On December 16, 2009, the court filed an order consolidating case no. 07-O-12574 with case nos. 01-O-04455 (01-O-04860; 02-O-10083; 02-O-12600; 03-O-02646; 04-O-10034; 04-O-10734); 03-O-02971; 04-O-15662; 05-O-02653; 05-O-05103 (06-O-10521) (Cons.).

Respondent successfully participated in both the State Bar's LAP and the court's ADP. As such, on December 21, 2009, the court filed an order finding that respondent has successfully completed the ADP, and this matter was submitted for decision on that date.

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<sup>6</sup> The court executed an order approving the Stipulation on January 20, 2009.

<sup>7</sup> The Further Agreement was executed by respondent on January 31, 2009.

<sup>8</sup> The court executed an order approving the Stipulation on December 14, 2009.

<sup>9</sup> The Further Agreement was executed by respondent on December 2, 2009.

## **FINDINGS OF FACT AND CONCLUSIONS OF LAW**<sup>10</sup>

In case no. 01-O-04860, count three, respondent admitted that, by failing to properly supervise his staff, resulting in his office manager leading Syed N. Ali to believe that respondent was representing him, respondent failed to perform legal services with competence in willful violation of rule 3-110(A) of the Rules of Professional Conduct of the State Bar of California.<sup>11</sup>

In case no. 02-O-10083, count seven, Arthur Mian employed respondent in or about January 2001 to form a corporation and process an immigration matter for him. Mian paid respondent \$5,500. Although respondent completed the formation of the corporation for Mian, he did not do any work on Mian's immigration matter. Respondent admitted that by failing to perform the legal services for which he was hired, he intentionally, recklessly or repeatedly failed to perform legal services with competence in willful violation of rule 3-110(A).

In case no. 02-O-12600, count eight, respondent was employed by Oscar Garcia Arias on or about April 4, 2001, for an immigration matter and to obtain his labor certification. Arias paid respondent advanced attorney fees and INS fees. After the INS denied Arias's labor certification, no further work was performed by respondent on the labor certification, such as an appeal in order to finalize the labor certification, as he was employed to do. Although respondent sporadically performed some work on the immigration matter, he failed to take the appropriate actions to finalize Arias's immigration matter, as he was employed to do. Respondent admitted that by failing to perform the legal services for which he was hired, he

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<sup>10</sup> In the interests of justice, the parties stipulated to the dismissal of case no. 01-O-04455, counts one and two; case no. 01-O-04860, counts four through six; case no. 02-O-12600, count nine; case no. 03-O-02646, counts ten and twelve; case no. 04-O-10734, counts fifteen and sixteen; and case no. 04-O-10034, count eighteen. In the parties' addendum to the stipulation in case nos. 01-O-04455, etc., the State Bar requested that the court dismiss, in the interest of justice, counts one and four in case no. 03-O-02971 and counts one and three in case no. 05-O-05103. The court grants the State Bar's request. All counts referenced in this footnote are dismissed with prejudice.

<sup>11</sup> Unless otherwise indicated, all further references to rule(s) refer to this source.

intentionally, recklessly or repeatedly failed to perform legal services with competence in willful violation of rule 3-110(A).

In case no. 03-O-02646, counts eleven and thirteen, Luis C. Camacho employed respondent on or about September 12, 1998, to represent him in his immigration matter to assist with his work permit. At that time, Camacho met with respondent's legal assistant, Marisela Luna. Throughout the time that Luna worked for respondent's law office, at respondent's direction, she met with clients when they came to the law office for their initial consultation and went out into the community to meet with clients at their places of employment. Respondent gave Luna discretion to advise the clients on whether or not they had a case to be pursued and what could be done by respondent's office on their case. Respondent granted Luna discretion to accept almost every case that came into the office as long as the prospective client had money to pay.

On or about December 31, 2001, the Immigration Court, on its own motion, rescheduled a June 24, 2003, hearing in the Camacho matter to June 3, 2003, and properly served the Notice on respondent. Respondent did not inform Camacho of the new hearing date.

On or about February 20, 2003, Camacho went to respondent's office, terminated respondent's representation and requested his file be sent to his new attorney. Respondent forwarded Camacho's file to his new attorney in or about April 2003, but did not include the notice of rescheduling of the June 24, 2003, hearing. No one appeared at the hearing, and Camacho was ordered deported.

Respondent admitted that by failing to inform Camacho of the change of the June 24, 2003, hearing date, respondent willfully failed to keep a client reasonably informed of significant

developments in a matter in which respondent had agreed to provide legal services, in violation of Business and Professions Code section 6068, subdivision (m).<sup>12</sup>

Respondent also admitted that by permitting Luna to: (1) meet with prospective clients; (2) advise prospective clients on whether they had a case; (3) determine whether to accept a prospective client's case and set legal fees; and (4) by placing Luna in a position of authority and allowing these clients to believe that Luna was an attorney, respondent, through a pattern of misconduct, willfully aided a person or entity in the unauthorized practice of law in willful violation of rule 1-300(A).

In case no. 04-O-10734, count fourteen, Maria Rubio employed respondent on or about February 16, 2000, to represent her, her husband, and her two children in their immigration matters and to assist them in their work permits. Over a period of time, Rubio paid respondent, in total, \$17,921 in advanced attorney fees.

Although respondent sporadically performed some work toward getting Rubio's work permit, he failed to take all appropriate actions to finalize Rubio's work permit. As of in or about October 2003, Rubio had not received her work permit. Although respondent sporadically performed some work toward Rubio's husband and children's immigration matters, he failed to take all appropriate steps to finalize their immigration matters. In or about October 2003, Rubio employed another attorney to handle their immigration matters.

Respondent admitted that by failing to complete the legal services for which he was hired, respondent intentionally, recklessly or repeatedly failed to perform legal services with competence in willful violation of rule 3-110(A).

In case no. 04-O-10034, count seventeen, Antonio Meza employed respondent on or about December 11, 1996, to represent him in his immigration matter and to assist him in

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<sup>12</sup> Unless otherwise indicated, all further references to section(s) refers to provisions of the Business and Professions Code.

obtaining his work permit. Although respondent sporadically performed some work toward obtaining Meza's work permit and his permanent residency, he failed to take all appropriate actions to finalize either the work permit or the permanent residency. As of July 8, 2005, Meza had not received his work permit, nor had he received permanent residency. Respondent admitted that by failing to perform the legal services for which he was hired, respondent intentionally, recklessly or repeatedly failed to perform legal services with competence.

In case no. 04-O-15662, Rito S. Perales employed respondent in or about July 2003 to represent him in an immigration matter. Perales paid respondent a total of \$5,320 for that representation which was for the purpose of assisting Perales in obtaining permanent resident status.

In or about May 2004, Perales received a letter from the Department of Homeland Security (DHS) stating that his temporary visa was denied because the application did not include Form ETA-750 from the Department of Labor. The letter was also stated that the DHS had requested the form on January 29, 2004, and never received it. Perales also received a letter from the DHS indicating that he was to leave the country immediately. Respondent was copied with both of these letters. Respondent did not contact Perales regarding these letters. In fact, respondent never met with Perales to discuss anything regarding his case.

Perales and his employer made numerous telephone calls to respondent's office seeking information regarding his case and the two letters from the DHS received in May 2004. In June 2004, Perales spoke with a person at respondent's office, Maricela Dangicil, regarding the DHS letters. Dangicil stated that they would file an appeal on Perales's behalf. The appeal was due on June 8, and Dangicil stated that Perales had to pay \$110 for the filing fee. Perales paid that amount immediately. The appeal was not filed until June 14, 2004.



By a letter to respondent dated October 22, 2004, Perales terminated respondent's services. The letter also requested an accounting and the return of his file. As of July 8, 2005, respondent had not responded to this letter and had not provided the file or accounting as requested.

Respondent admitted that by failing to perform the legal services for which he was hired, he intentionally, recklessly or repeatedly failed to perform legal services with competence in willful violation of rule 3-110(A).

Respondent also admitted that by failing to provide an accounting to a client regarding all fees earned and by failing to return Perales's file to the client as requested, respondent willfully violated rules 4-100(B)(3) and 3-700(D)(1), respectively.

In case no. 03-O-02971, respondent willfully aided a person or entity in the unauthorized practice of law in willful violation of rule 1-300(A). Respondent allowed a non-lawyer to meet with a prospective client; permitted a non-lawyer to determine whether to accept the prospective client's matter and set legal fees in the matter; and allowed a non-lawyer to provide a client with legal counsel on his immigration matter. Respondent also failed to deposit funds received for a client's benefit in a properly labeled trust account.

In case no. 05-O-05103, respondent allowed a non-lawyer to provide legal advice to a client and authorized a non-lawyer to collect the payment for respondent's advanced legal fees, thereby aiding a non-lawyer in the unauthorized practice of law.

In case no. 06-O-10521, respondent was employed by Remberto Torres to represent him in an immigration matter. Torres paid respondent a total of \$4,000 in advanced attorney fees. Respondent did minimal work on behalf of Torres. Five months after he employed respondent, Torres terminated respondent's services and requested a refund of the advanced attorney fees. Although respondent agreed to refund unearned fees to Torres, as of June 2008, Torres had not

received any portion of the advanced fees or an accounting demonstrating what fees were earned. As such, respondent failed to promptly refund unearned fees.

In case no. 05-O-02653, respondent stipulated that he willfully violated rule 1-300(A) by aiding a person or entity in the unauthorized practice of law. Respondent signed a retainer agreement as agent for California Paralegal Service, a company owned by individuals who were not entitled to practice law.

In case no. 07-O-12574, Rifat Jehan (Jehan) employed respondent on January 30, 2001, through respondent's office manager, Syad Naqvi, to represent Jehan in an immigration matter. Respondent stipulated that he intentionally, or through recklessness or gross negligence, did not adequately supervise his employee(s) handling Jehan's matter by allowing his office manager or another employee to sign documents in respondent's name and that of another attorney without that attorney's knowledge or consent, and by accepting fees to file a Form I-485 application when Jehan was not eligible for an adjustment of status. Respondent stipulated that he intentionally, recklessly, or repeatedly failed to perform legal services with competence in violation of rule 3-110(A) by not: (1) providing representation to Jehan at her asylum interview; (2) following up on the status of the Form I-485 application; (3) taking steps to obtain final approval of Jehan's asylum application; and (4) adequately supervising Naqvi's handling of Jehan's matter. Respondent also stipulated that he failed to respond promptly to reasonable client status inquiries in violation of section 6068, subdivision (m).<sup>13</sup>

In mitigation, respondent was admitted to the practice of law in California on May 30, 1980, and has no prior record of discipline. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.2(e)(i).) Respondent therefore practiced law for nearly 16 years prior to his first incident of misconduct in this matter.

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<sup>13</sup> The court found a nexus between respondent's substance abuse issue and his misconduct in each of these matters set forth above.

In aggravation, the court finds that respondent's misconduct significantly harmed Camacho and Perales. Respondent's misconduct led to Camacho being ordered deported and to Perales receiving a letter from the DHS indicating that he was to leave the country immediately. (Std. 1.2(b)(iv).) The parties also stipulated that the conduct of which respondent has been found culpable demonstrates a pattern of misconduct. (Std. 1.2(b)(ii).)

The parties' stipulations<sup>14</sup> as to facts and conclusions of law pertaining to case nos. 01-O-04455 (01-O-04860; 02-O-10083; 02-O-12600; 03-O-02646; 04-O-10034; 04-O-10734); 03-O-02971; 04-O-15662; 05-O-02653; 05-O-05103 (06-O-10521); 07-O-12574 (Cons.), including the court's orders approving the stipulations, are attached hereto and hereby incorporated by reference, as if fully set forth herein. The stipulations set forth the factual findings, legal conclusions, and aggravating and mitigating circumstances in this matter.

Furthermore, at the time respondent engaged in his misconduct, he was suffering from a substance abuse issue, and respondent's substance abuse issue directly caused or contributed to the misconduct which forms the basis for this proceeding. Supreme Court case law establishes that an attorney's rehabilitation from alcoholism or other substance abuse problems can be accorded significant weight if it is established that (1) the abuse was addictive in nature; (2) the abuse causally contributed to the misconduct; and (3) the attorney has undergone a meaningful and sustained period of rehabilitation. (*Harford v. State Bar* (1990) 52 Cal.3d 93, 101; *In re Billings* (1990) 50 Cal.3d 358, 367.)

Respondent executed a Participation Agreement with the LAP on November 23, 2004, and an amendment thereto in January 2008. The LAP Evaluation Committee found that respondent had successfully completed the LAP, and respondent's case was closed in May 2009. Respondent also successfully completed the ADP. Respondent's successful completion of the

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<sup>14</sup> Reference to stipulations include the addendum to the stipulation lodged on July 8, 2005, pertaining to case nos. 03-O-02971 and 05-O-05103 (06-O-10521).

ADP and the LAP qualify as clear and convincing evidence that respondent no longer suffers from the substance abuse issue which led to his misconduct. Accordingly, it is appropriate to consider respondent's successful completion of the ADP and the LAP as a mitigating circumstance in this matter. (Std. 1.2(e)(iv).)

### **DISCUSSION**

The purpose of State Bar disciplinary proceedings is not to punish the attorney but, rather, to protect the public, to preserve public confidence in the legal profession, and to maintain the highest possible professional standards for attorneys. (*Chadwick v. State Bar* (1989) 49 Cal.3d 103, 111.)

After reviewing and considering: (1) the parties' joint brief on the issue of discipline; (2) the Standards for Attorney Sanctions for Professional Misconduct and the case law cited in the parties' joint brief; (3) the parties' stipulations setting forth the facts, conclusions of law, and the aggravating and mitigating circumstances in this consolidated matter; and (4) the nexus between respondent's substance abuse issue and his misconduct, the court advised the parties of the discipline which would be recommended to the Supreme Court if respondent successfully completed the ADP and the discipline which would be recommended if respondent was terminated from, or failed to successfully complete, the ADP.

In determining the appropriate discipline to recommend in this matter if respondent successfully completed the ADP, the court considered the discipline recommended by the parties, as well as certain standards and case law. In particular, the court considered standards 1.2, 1.3, 1.4, 1.5, 1.6, 2.2(b), 2.4(a), 2.4(b) and 2.10, and the case law cited in the parties' joint brief, including *In the Matter of Collins* (Review Dept. 1992) 2 Cal. State Bar Ct. Rptr. 1; *In the Matter of Valinoti* (Review Dept. 2002) 4 Cal. State Bar Ct. Rptr. 498; and *Gadda v. State Bar* (1990) 50 Cal.3d 344. The misconduct in *Collins* and *Valinoti* was more egregious than in the

instant proceeding and involved greater aggravating circumstances than in the present matter. *Gadda* involved less matters than in the instant proceeding, but also involved two acts of dishonesty and deceit not found in the present matter. Furthermore, none of the cases involved an attorney's rehabilitation from substance abuse. Thus, the court found the discipline recommended by the parties in their joint brief to be appropriate.

After agreeing to the discipline which the court would recommend to the Supreme Court if respondent successfully completed or was terminated from, or failed to successfully complete, the ADP, respondent executed the Contract to participate in the ADP and began his period of participation in the ADP.

Respondent thereafter successfully participated in the ADP, and on December 21, 2009, the court filed an order finding that respondent has successfully completed the ADP. Accordingly, the court will recommend to the Supreme Court the imposition of the discipline set forth in the Decision Re Alternative Recommendations lodged on July 8, 2005, if respondent successfully completed the ADP, as amended by: (1) the order amending the Decision Re Alternative Recommendations lodged on June 30, 2008; (2) the Order Further Amending Decision Re Alternative Recommendations lodged on January 20, 2009; and (3) the Order Further Amending Decision Re Alternative Recommendations lodged on December 15, 2009.

### **RECOMMENDED DISCIPLINE**

**IT IS HEREBY RECOMMENDED** that respondent **WAYNE KENNETH TEEBKEN**, State Bar Number 93013, be suspended from the practice of law in California for one (1) year, that execution of that period of suspension be stayed, and that he be placed on probation for a period of two (2) years<sup>15</sup> subject to the following conditions:

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<sup>15</sup> The probation period and the probation conditions set forth below will commence on the effective date of the Supreme Court order imposing discipline in this matter. (See Cal. Rules of Court, rule 9.18.)

1. Respondent Wayne Kenneth Teebken is suspended from the practice of law for the first ninety (90) days of probation.
2. Respondent Wayne Kenneth Teebken must also comply with the following additional conditions of probation:
  - a. Respondent must comply with the provisions of the State Bar Act and the Rules of Professional Conduct of the State Bar of California;
  - b. Within ten (10) calendar days of any change in the information required to be maintained on the membership records of the State Bar pursuant to Business and Professions Code section 6002.1, subdivision (a), including his current office address and telephone number, respondent must report such change in writing to both the Office of Probation and to the Membership Records Office of the State Bar;
  - c. Within thirty (30) days after the effective date of discipline, respondent must contact the State Bar's Office of Probation and schedule a meeting with respondent's assigned probation deputy to discuss these terms and conditions of probation. Upon the direction of the Office of Probation, respondent must meet with the probation deputy either in-person or by telephone. During the period of probation, respondent must promptly meet with the probation deputy as directed and upon request;
  - d. Respondent must submit written quarterly reports to the Office of Probation on each January 10, April 10, July 10 and October 10 of the period during which these probation conditions are in effect. Under penalty of perjury, respondent must state in each report whether he has complied with the State Bar Act, the Rules of Professional Conduct, and all conditions of probation during the preceding calendar quarter. If the first report will cover less than thirty (30) calendar days, that report must be submitted on the reporting date for the next calendar quarter and must cover the extended period. In addition to all quarterly reports, respondent must submit a final report, containing the same information required by the quarterly reports. The final report must be submitted no earlier than twenty (20) calendar days before the last day of the period of probation and no later than the last day of the probation period;
  - e. Within thirty (30) days after the effective date of the Supreme Court's final disciplinary order in this matter, respondent must send a letter by certified mail, return receipt requested, to Remberto Torres and must therein offer to initiate and participate in binding State Bar fee arbitration upon Torres's request regarding the remaining \$2,287.50 advanced fees which were not part of respondent's restitution obligation which has been satisfied.

Within thirty (30) days after the effective date of the Supreme Court's final disciplinary order in this matter, respondent must send a letter by certified mail, return receipt requested, to Lucano Cortez and must therein offer to initiate and participate in binding State Bar fee arbitration upon Cortez's request regarding the \$5,200.00 advanced fees.

Within thirty (30) days after the effective date of the Supreme Court's final disciplinary order in this matter, respondent must send a letter by certified mail, return receipt requested, to Humberto Arciva and must therein offer to initiate and participate in binding State Bar fee arbitration upon Arciva's request regarding the \$4,000.00 advanced fees.

Within sixty (60) days after the effective date of the Supreme Court's final disciplinary order in this matter, respondent must provide the Office of Probation with a copy of the letters offering to initiate and participate in binding State Bar fee arbitration with Torres, Cortez and Arciva, along with a copy of the return receipts from the U.S. Postal Service.

Respondent must advise the Office of Probation, in writing, of any request to participate in fee arbitration made by Torres, Cortez or Arciva within 15 days after any such request or within 30 days after the effective date of the Supreme Court's final disciplinary order in this matter, whichever is later.

Respondent must initiate and participate in binding State Bar fee arbitration upon the request of Torres, Cortez or Arciva within three (3) months of any such request.

Respondent waives the expiration of any time to resolve this dispute by fee arbitration.

Within 30 days after issuance of a final award, decision, order or other final determination by any fee arbitrator pursuant to any such fee arbitration, or within 30 days after the effective date of the Supreme Court's final disciplinary order in this matter, whichever is later, respondent must provide a copy of said award, decision, order or other final determination to the Office of Probation.

Respondent must abide by any final award, decision, order or other final determination of any such fee arbitrator and must provide proof thereof to the Office of Probation.

With each written quarterly report required herein, respondent must provide to the Office of Probation satisfactory proof of compliance with any final award, decision, order or other final determination of any such fee arbitrator performed by respondent during such quarter or applicable reporting period. Respondent must provide such proof of compliance as requested by the Office of Probation.

If the State Bar's Client Security Fund (CSF) has reimbursed Torres, Cortez or Arciva for all or any portion of any final award, decision, order or other final determination pursuant to fee arbitration, respondent must pay restitution to the CSF of the amount paid, plus applicable interest and costs, in accordance with Business and Professions Code section 6140.5, and provide satisfactory proof, to the Office of Probation, with each written report required as a condition of probation, of all restitution made by respondent to the CSF during that reporting period. Any restitution owed to the CSF is enforceable as provided in Business and Professions Code section 6140.5, subdivision (c) and (d).

To the extent that respondent has paid any fee arbitration award, decision, order or other final determination or restitution to the CSF prior to the effective date of the Supreme Court's final disciplinary order in this proceeding, respondent will be given credit for such payment(s) provided satisfactory proof is shown to the Office of Probation.

Respondent's failure to write the letter discussed above, or to initiate or participate in fee arbitration upon the request of Torres, Cortez or Arciva, or to abide by any final fee arbitration award, decision, order or other final determination, may constitute a violation of his disciplinary probation and be cause for further disciplinary proceedings.<sup>16</sup>

- f. Subject to the assertion of applicable privileges, respondent must answer fully, promptly and truthfully, all inquiries of the Office of Probation which are directed to him personally or in writing relating to whether respondent is complying or has complied with the conditions of his probation; and
- g. Within one year of the effective date of the Supreme Court's final disciplinary order in this proceeding, respondent must provide the Office of Probation with satisfactory proof of his attendance at a session of State Bar Ethics School and of his passage of the test given at the conclusion of that session;

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<sup>16</sup> Respondent has already paid restitution to Antonio Meza and Remberto Torres and has satisfactorily complied with fee arbitration requirements with respect to Oscar García Arias, Maria Rubio, Luis C. Camacho, Arthur Mian, and Rito S. Perales, which were set forth in the court's Decision Re Alternative Recommendations lodged on July 8, 2005, and the order amending the Decision Re Alternative Recommendations lodged on June 30, 2008. Respondent has also satisfactorily complied with the requirement to return to Rito S. Perales his entire original client file as set forth in the Decision Re Alternative Recommendations lodged on July 8, 2005.



3. It is also recommended that, at the expiration of the period of probation, if Wayne Kenneth Teebken has complied with all conditions of probation, the one (1) year period of stayed suspension will be satisfied and that suspension will be terminated.

It is further recommended that Wayne Kenneth Teebken take and pass the Multistate Professional Responsibility Examination (MPRE) within one year after the effective date of the Supreme Court's disciplinary order in this matter and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period. Failure to do so may result in an automatic suspension. (Cal. Rules of Court, rule 9.10(b).)

It is further recommended that Wayne Kenneth Teebken be ordered to comply with rule 9.20 (formerly rule 955) of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of the Supreme Court's disciplinary order in this matter.

### **COSTS**

It is recommended that costs be awarded to the State Bar in accordance with Business and Professions Code section 6086.10, and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

### **DIRECTION RE DECISION AND ORDER SEALING CERTAIN DOCUMENTS**

The court directs a court case administrator to file: (1) the parties' Stipulation Re Facts and Conclusions of Law in case nos. 01-O-04455 (01-O-04860; 02-O-10083; 02-O-12600; 03-O-02646; 04-O-10034; 04-O-10734); 04-O-15662; (2) the Parties' Addendum to Stipulation Re: Facts and Conclusions of Law pertaining to case nos. 03-O-02971 and 05-O-05103 (06-O-10521); and (3) this Decision and Order Sealing Certain Documents. Thereafter, pursuant to rule 806(c) of the Rules of Procedure of the State Bar of California (Rules of Procedure), all other

documents not previously filed in this matter are ordered sealed pursuant to rule 23 of the Rules of Procedure.

It is further ordered that protected and sealed material will only be disclosed to: (1) parties to the proceeding and counsel; (2) personnel of the Supreme Court, the State Bar Court and independent audiotape transcribers; and (3) personnel of the Office of Probation when necessary for their duties. Protected material will be marked and maintained by all authorized individuals in a manner calculated to prevent improper disclosure. All persons to whom protected material is disclosed will be given a copy of this order sealing the documents by the person making the disclosure.

**IT IS SO ORDERED.**

Dated: March \_\_\_\_, 2010

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RICHARD A. HONN  
Judge of the State Bar Court